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10 **UNITED STATES DISTRICT COURT**  
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
12 **FRESNO DIVISION**

13 **ANTHONY LUCKEY,**

14 **Plaintiff,**

15 **v.**

16 **CITY OF PORTERVILLE and BRUCE**  
17 **SOKOLOFF,**

18 **Defendants.**

**CASE NO. 1:23-cv-00551 BAM**

**DECLARATION OF LAWRENCE J. KING**

19 I, Lawrence J. King, declare as follows:

20 1. On April 7, 2023, I filed and served the initial complaint in his matter on behalf of  
21 Anthony Luckey ("Plaintiff"). On May 12, 2023, I received an email from Sue Ann Renfro, an  
22 associate at the law firm of Liebert Cassidy Whitmore, attorneys for Defendants City of Porterville  
23 and Bruce Sokoloff ("Defendants"). Ms. Renfro's email contained what she described as "a listing  
24 of the issues which we believe subject [the] Complaint to a Motion to Dismiss and Motion to  
25 Strike," and requested a meet and confer. A true and correct copy of Ms. Renfro's May 12, 2023,  
26 email is attached as Exhibit A.

27 2. In the May 12, 2023, email and during the course of the ensuing meet and confer,  
28 counsel for Defendants raised only two issues with respect to Plaintiff's causes of action for race  
discrimination under Title VII and FEHA, namely Plaintiff's prayer for punitive damages as well  
as the assertion of those causes of action against Defendant Sokoloff as an individual supervisor.

1           3.       The remaining items raised by defense counsel at that time involved Plaintiff's  
2 prayer for injunctive relief and the following discrete issues concerning his Section 1983  
3 claim: *Monell* liability, Sokoloff's alleged qualified immunity, and defense counsel's mistaken  
4 assertion that the complaint "alleges discrimination as constitutional violations, which is  
5 improper." Those three Section 1983 issues were not resolved between the parties at the conclusion  
6 of the meet and confer.

7           4.       In drafting the First Amended Complaint ("FAC") and responding to the concerns  
8 raised by defense counsel, I amended the punitive damages language to make it clear such damages  
9 were only being sought against Sokoloff, I removed Sokoloff from the Title VII and FEHA race  
10 discrimination claims, and I removed the prayer for injunctive relief.

11           5.       On August 7, 2023, I filed and served the FAC. On August 22, 2023, I received a  
12 new meet and confer email from Ms. Renfro that raised two alleged grounds for a motion to strike  
13 and two alleged grounds for a motion to dismiss, all of which only related to the Section  
14 1983 claim. Ms. Renfro's email requested a response within two days, by noon on August 24,  
15 2023. A true and correct copy of Ms. Renfro's August 22, 2023, email is attached as Exhibit B.

16           6.       On August 24, 2023, I responded to Ms. Renfro and attached a draft Second  
17 Amended Complaint that I believed addressed the concerns she had raised in her email and during  
18 our subsequent phone call. In my response, I also provided case law summaries in support  
19 of Plaintiff's position that Section 1983 actions for discrimination were not "improper," as  
20 repeatedly argued by defense counsel. To correct defense counsel's continued misunderstanding  
21 that the claim was based solely on the Title VII/FEHA race discrimination, the Second Amended  
22 Complaint ("SAC") explicitly identified the Fourteenth Amendment as the basis for the Section  
23 1983 cause of action. The further changes defense counsel requested to the punitive damages  
24 language were also made to the SAC. A true and correct copy of my August 24, 2023, email to  
25 Ms. Renfro is attached as Exhibit C.

26           7.       I did not receive any response from defense counsel until August 29, 2023, when  
27 Ms. Renfro wrote that they were still "in the process" of reviewing my August 24 email and the  
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1 SAC and would be “continuing to review and analyze the proposed SAC.” At that time Ms. Renfro  
2 also questioned the cause of action for discrimination under “Section 1” of the California  
3 Constitution. A true and correct copy of Ms. Renfro’s August 29, 2023, email is attached as Exhibit  
4 D. On September 1, 2023, I responded to Ms. Renfro’s “Section 1” question by informing her it  
5 should have stated Article 1, Sections 8 and 31.

6 8. On September 6, 2023, after waiting thirteen days for any further word or  
7 substantive response from defense counsel to my August 24 email or the draft SAC, I filed and  
8 served the SAC on behalf of Plaintiff. At the time, I believed in good faith that all issues concerning  
9 two of the causes of action, specifically Race Discrimination in violation of Title VII and Race  
10 Discrimination in violation of FEHA, had been resolved entirely to defense counsel’s  
11 satisfaction because Ms. Renfro raised no issues concerning those two claims in her August 24,  
12 2023 meet and confer notice or our subsequent phone conference.

13 9. On September 26, 2023, Defendant filed a motion to dismiss the entire  
14 SAC, including the two causes of action for which I had made every amendment requested of me  
15 before filing the FAC and to which no challenges had been raised in the meet and confer for the  
16 SAC.

17  
18 I declare under penalty of perjury that the foregoing is true and correct.

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20 Executed this 17th day of January, 2025, at Petaluma, California. /s/ Lawrence J. King  
21 Lawrence J. King  
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